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Admitted only in Maryland Admitted only in Virginia Practice Limited to Federal Agencies

May 21, 2003

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Art Unit 2611 **RECEIVED** 

MAY 2 2 2003

**Technology Center 2600** 

Re:

U.S. Utility Patent Application

Appl. No. 09/963,671; Filed: September 27, 2001

Method and System for Flexible Channel Association

Inventors:

DENNEY et al.

Our Ref:

1875.1410000

Sir:

Transmitted herewith for appropriate action are the following documents:;

- 1. Information Disclosure Statement (IDS);
- 2. List of cited documents on Form PTO-1449 (1 sheet);
- A copy of each document cited on Form PTO-1449 (4 documents); and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox P.L.C.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents May 21, 2003 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kendrick P. Patterson Attorney for Applicants

Registration No. 45,321

RES/KPP/acr Enclosures

SKGF\_DC1:133381.1



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 2 1 2003 W

In re application of:

DENNEY et al.

Appl. No. 09/963,671

Filed: September 27, 2001

For:

Method and System for Flexible

**Channel Association** 

Confirmation No. 8981

Art Unit: 2611

Examiner: Faile, A.I.

Atty. Docket: 1875.1410000

## **Information Disclosure Statement**

RECEIVED

MAY 2 2 2003

Commissioner for Patents Washington, D.C. 20231

**Technology Center 2600** 

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- □ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- □ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
  - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more

than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- □ c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No.
  \_\_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37
  C.F.R. § 1.17(p).
- □ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. \_\_\_\_\_\_ in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
  - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ∑ 5. The documents were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- □ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- □ 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_\_, filed

\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kendrick P. Patterson Attorney for Applicants

Registration No. 45,321

May 21, 2003

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FORM PTO-1449  INFORMATION DISCLOSURE STATEMENT					ATTY. DOCKET NO. 1875.1410000	APPLICATION NO. 09/963,671		
					APPLICANT DENNEY et al.			
					FILING DATE GROUP September 27, 2001 2611			
				U	S. PATENT DOCUMENTS	12011		-
EXAMINER INITIAL		DOC NUM	UMENT BER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	6,028	3,933	02/2000	Heer et al.			
	AB1	6,041	1,051	03/2000	Doshi <i>et al</i> .			
	AC1							
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	AP1							Y.
				OTHER (Including	Author, Title, Date, Pertinent Page	s, etc.)		<u> </u>
	AR	1	Copy of E	European Se September	arch Report for Europe 27, 2002.	an Application	No. EP 02	25 6775,
	AS	1						
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